IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.292 OF 2006

H. Srinivasulu : Petitioner

V/s.

The Chief Commissioner of Income Tax

& Ors. : Respondents

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Mr.S.G.Pillai for the petitioner.

Mr.Rajiv Chavan with Ms Ritu Singh for the respondents.

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CORAM : F.I.REBELLO & ANOOP V. MOHTA,JJ.

DATE : APRIL 7, 2006.

P.C.

1. The petitioner, in the instant case, challenges the order of the Central Administrative Tribunal by which his application which was made within time for correction of entry of Date of Birth has been rejected. The earlier entry was made based on school records. The change is sought based on the horoscope which was drawn up.

2. In State of Punjab v. Mohinder Singh [(2005) 3 SCC 702], the apex Court has observed that horoscope is a very weak piece of material to prove age of a person. In most cases, the maker of it may not be available to prove that

it was made immediately after the birth. A heavy onus lies on the person who wants to press it into service to prove its authenticity. In other words, the document has to be proved under the provisions of the Indian Evidence Act like any other document. The mere fact that the document is old by itself cannot be the basis for treating the document as proved. In the instant case, once the entry was made based on school records, the horoscope for effecting changes cannot be considered as having displaced the entries in the school records. In the instant case, the entry was made on the basis of the school records. No interference is called for.

3. Writ Petition is rejected.

F.I. REBELLO, J.

ANOOP V. MOHTA, J.